

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STRUCTURE PROBE INC.,

Plaintiff,

v.

**EMS ACQUISITION CORP. (D/B/A,
ELECTRON MICROSCOPY SCIENCES).**

Defendant.

Civil Action No. 07-CV-3893 (LBS)

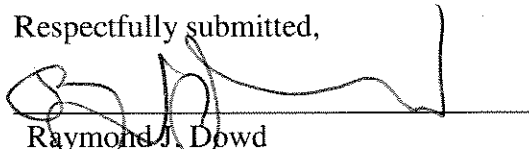
Judge Leonard B. Sand

**EMS's MOTION TO DISMISS COUNT I, IN PART, COUNT II, AND COUNT III OF
STRUCTURE PROBE, INC.'S COMPLAINT**

Defendant, EMS Acquisition Corp. d/b/a, Electron Microscopy Sciences ("EMS"), hereby moves the Court to dismiss Count I (in part), Count II, and Count III of plaintiff Structure Probe, Inc.'s ("SPI") Complaint. Grounds in support of the Motion are set forth in the attached Memorandum of Law.

Dated: September 20, 2007

Respectfully submitted,



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